

Remarks

Claims 1-21 are pending in the application, and stand rejected.

Claim rejections

Section 112

Claim 15 was rejected under 35 USC 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. The Applicant respectfully traverses.

It is well settled that the claims as originally filed form part of the disclosure. See MPEP 2163.06(III). In this case, the claimed subject matter relates to a mathematical expression. The operative part of this expression is self-defining; the variables are defined in the claim. The claim is definite. Withdrawal of the rejection is therefore respectfully requested.

Section 103

Claims 1-21 were rejected under 35 USC 103(a) as being unpatentable over Biggs et al. (US 6,301,970) ("Biggs"). The Applicant respectfully traverses. Biggs cannot support the asserted rejection for at least the reason that Biggs does not suggest determining accelerated stress testing data for a product, the accelerated stress testing data representing the response of the product operating in a first environment, and calculating the mean-time-between-failures for the product operating in a second environment based on the accelerated stress testing data, as recited in claim 1.

The Examiner cites col. 4, lines 17-30 and col. 5, lines 7-11 as disclosing the determining of accelerated stress testing data for a product operating in a first environment. The Applicant respectfully disagrees. The cited portion of Biggs refers to exercising a finite element *model*, in other words performing a computerized simulation. The claimed determining of accelerated stress testing data, by contrast, involves *physical acts*, such as applying multiple axis vibrational tests, rapid temperature transitions, high/low temperature limits, voltage margining, frequency margining,

electrostatic discharge tests, humidity tests, and the like. Please see the present specification at page 6, lines 16-21, for example.

Moreover, the Examiner actually acknowledges that Biggs does not disclose the claimed accelerated test data (Office Action, page 3, 3rd paragraph of item 2). Instead, the Examiner contends that the “[p]ractitioner in the art at the time of the invention ... would have found a cumulative of all the stress tests in the rejection above implies the claimed acceleration stress ...”. The Applicant respectfully disagrees. Biggs does not disclose stress *tests*, but only an *estimation* of stress based on a mathematical model. See, e.g., col. 5 lines 66-67 and col. 6, lines 1-8.

Claim 1 is therefore allowable over Biggs. Moreover, claims 2-21 are likewise allowable over Biggs for at least the reason that they include the recitations of claim 1 by dependency thereon. Withdrawal of the rejection of claims 1-21 as being unpatentable over Biggs is therefore respectfully requested.

Section 101

Claims 1-21 were further rejected under 35 USC 101 as being directed to non-statutory subject matter. The Applicant respectfully traverses. Contrary to the Examiner’s allegation, claim 1 does not recite an algorithm. The Examiner characterizes the invention as “a set of stress data and the applied stress data to identify potentials of failure.” This is simply incorrect. Claim 1 plainly recites a “determining” step that includes physical acts, as outlined above. Accordingly, claim 1 and claims 2-21 dependent thereon recite statutory subject matter. Withdrawal of the rejection of claims 1-21 under 35 USC 101 is therefore respectfully requested.

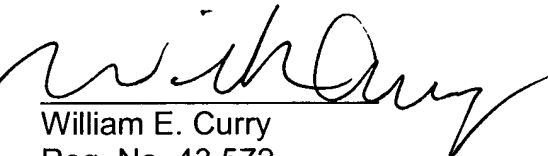
Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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